

***The Honorable Ricardo S. Martinez***

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

UNITED STATES OF AMERICA, *et al.*,

**Plaintiffs,**

V.  
1

STATE OF WASHINGTON, *et al.*,

### Defendants.

**Case No. C70-9213 RSM  
Subproceeding: 17-03**

**JOINT STIPULATION AND ORDER  
EXTENDING SUPPLEMENTAL  
EXPERT DEPOSITION DEADLINE  
AS TO UPPER SKAGIT EXPERT DR.  
BRUCE MILLER**

# STILLAGUAMISH TRIBE OF INDIANS.

Petitioner(s),

V.

STATE OF WASHINGTON, *et al.*,

### Respondent(s).

JOINT STIPULATION TO EXTEND SUPPLEMENTAL  
EXPERT DEPOSITION DEADLINE AS TO UPPER  
SKAGIT EXPERT DR. BRUCE MILLER  
Case No. C70-9213, Subp. No. 17-03

1                   **INTRODUCTION**

2                   Petitioner Stillaguamish Tribe of Indians (“Stillaguamish”) and Respondents Upper Skagit  
 3 Indian Tribe (“Upper Skagit”), Swinomish Indian Tribal Community (“Swinomish”), and Tulalip  
 4 Tribes (“Tulalip”) (collectively, “Parties”) hereby stipulate to extend the supplemental expert  
 5 deposition deadline for Upper Skagit’s expert witness, Dr. Bruce Miller, from September 24, 2021,  
 6 to December 15, 2021.

7                   **BACKGROUND**

8                   By Order dated May 12, 2021, the Court amended the case schedule to permit limited  
 9 additional expert discovery based on Swinomish’s production of documents following the close of  
 10 discovery in this matter.<sup>1</sup> Consistent with the amended case schedule, Stillaguamish produced the  
 11 supplemental expert report of Dr. Chris Friday by June 15, 2021. Also consistent with the amended  
 12 case schedule, Upper Skagit produced a supplemental rebuttal expert from its expert, Dr. Bruce  
 13 Miller by August 18, 2021, and Swinomish produced the supplemental rebuttal expert reports from  
 14 its experts, Dr. Anthony Gulig and Dr. Astrida Blukis-Onat, by August 18, 2021. Tulalip did not  
 15 produce a supplemental expert report from Dr. Deward Walker. The Parties then conducted  
 16 supplemental depositions of the expert witnesses for Stillaguamish and Swinomish by September  
 17 24, 2021.

18                   Following timely submission of his supplemental rebuttal expert report on August 18,  
 19 2021, expert for Upper Skagit, Dr. Bruce Miller, underwent major surgery. As a result of his  
 21 extended recovery from that procedure, Dr. Miller is not available to appear for a deposition prior  
 22 to the Court’s previously imposed deadline of September 24, 2021. Although the specific time  
 23

24  
 25  
 26                   <sup>1</sup> Case No. 2:17-sp-00003-RSM, Dkt. ## 215, 218.

1 Dr. Miller will be available for his supplemental deposition remains unknown, the Parties  
2 anticipate that it will be no later than December 15, 2021. Good cause therefore exists to enter the  
3 Parties' stipulation.

4 The Parties do not seek to alter any of the other dates in the case schedule set by the Court  
5 in the Order dated May 12, 2021.<sup>2</sup>

6 **STIPULATION**

7 The Parties hereby jointly stipulate to extending the supplemental expert deposition  
8 deadline for Upper Skagit's expert, Dr. Bruce Miller, to December 15, 2021.  
9

10 DATED this 24th day of September, 2021.

11 **STILLAGUAMISH TRIBE OF INDIANS**

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2 Case No. 2:17-sp-00003-RSM, Dkt. # 218.

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29           **ORDER**

30       The case schedule is hereby amended to extend the supplemental expert deposition  
31       deadline for Upper Skagit's expert witness, Dr. Bruce Miller, from September 24, 2021, to  
32       December 15, 2021.

33       IT IS SO ORDERED this 28<sup>th</sup> day of September, 2021.

34             
35           RICARDO S. MARTINEZ  
36           CHIEF UNITED STATES DISTRICT JUDGE